THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 21741 of 2005

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Dated:05.10.2005

Between:

Soham Modi, S/o.Satish Modi,

R/o.5-4-183/3 & 4, 3rd Floor, Soham Mansion,

M.G.Road, Secundrabad, and another.

..... PETITIONERS

AND

Municipal Corporation of Hyderabad,

Rep. By its Commissioner, Tank Bund, Hyderabad, and another.

.....RESPONDENTS

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WRIT PETITION No. 21741 of 2005

ORDER:

The petitioners are owners of ground floor portion of the premises bearing No.1-10-72/2/3, Begumpet Main Road, Hyderabad. The Municipal Corporation of Hyderabad proposed to widen the road to 150 feet and sent a communication, dated 14.06.2005, to the petitioners requesting them to cooperate in the matter and handover advance possession. The petitioners were informed that the Corporation would pay the compensation for the effected constructions and also permit the petitioners additional FSI/FAR in accordance with the orders of the Government in G.O.Ms.No.483 MA, dated 24.08.1998. The petitioner sent a representation on 04.07.2005, informing that if the road widening is taken up, the entire building would be lost and that the value of the building as per the market value would be Rs.285.60 lakhs. There was some more correspondence between the petitioners and the Corporation, and ultimately on 14/15.09.2005, the second respondent informed the petitioners that their request to reduce the road width to 100 feet is not possible and that land acquisition proposals are already initiated under Section 147 of the Hyderabad Municipal Corporations Act, 1955 (for short 'the Act'). However, apprehending demolition, pending land acquisition, the petitioner approached this Court.

Heard the learned counsel for the petitioner and the learned Standing Counsel for Municipal Corporation of Hyderabad. Section 146 of the Act enables the Corporation to negotiate with the persons/owners of the land when the land is acquired for public purpose. If such consent is not forth coming, necessarily the Corporation has to take action under Section 147 of the Act, which provides for acquisition of the land in accordance with the provisions of the Land Acquisition Act, 1894. Now that the Corporation has already submitted proposals for acquisition of the land, acquired for widening of the road, unless and until, the land acquisition proceedings are completed, the petitioners' structures cannot be demolished. There shall be status quo as on today.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

05.10.2005

vs